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Message Text

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20
ACTION EUR-12

INFO OCT-01 ISO-00 FBIE-00 JUSE-00 SCA-01 L-03 SCS-03 PA-01

PRS-01 CIAE-00 INR-07 NSAE-00 SY-05 PM-04 NSC-05

SP-02 SS-15 /060 W
---------- 073771
R 052241Z FEB 76
FM AMEMBASSY OTTAWA
TO SECSTATE WASHDC 8750

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POUCHED ALL CANADIAN CONSULATES

E.O. 11652: N/A
TAGS: PFOR, CGEN, CA
SUBJ: ALLMAND DIRECTIVE ON NEED FOR STATE DEPT APPROVAL OF
CANADIAN POLICE INVESTIGATION IN US

REF: A) OTTAWA 4067; B) OTTAWA 0495

1. FOLLOWING IS TEXT OF DIRECTIVE SENT LAST SEPTEMBER BY SOLICITOR GENERAL WARREN ALLMAND TO PROVINCIAL GOVERNMENTS, COMPLETE TEST OBTAINED BY EMBASSY LEGATT OFFICE HAS NOT BEEN OFFICIALLY RELEASED BY GOC, ALTHOUGH MAJOR PORTIONS APPEARED IN TORONTO GLOBE AND MAIL ARTICLE (SEE REF B).

2. BEGIN QUOTE: CRIMINAL ACTIVITY IN CANADA IS BECOMING INCREASINGLY INTERNATION IN CHARACTER. THERE HAS BEEN A CORRESPONDING INCREASE IN THE NUMBER OF POLICE INVESTIGATIONS WHICH ARE BEING CARRIED OUT BE CANADIAN ENFORCEMENT PERSONNET IN THE UNITED STATES. THIS HAS BROUGHT ABOUT A NEED TO FORMULATE GUIDELINES TO MAINTAIN THE DESIRED ADMINISTRATIVE CONTROLS TO ENSURE THAT CANADIAN INVESTIGATORS WILL BE ABLE TO CONDUCT ENQUIRIES IN THE UNITED STATES IN A MANNER NOT PREJUDICIAL TO CANADIAN SOVEREIGNTY.

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3. THE U.S.A. HAS LEGISLATION GOVERNING FOREIGN AGENTS

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CONDUCTING OFFICIAL ENQUIRIES IN THEIR COUNTRY. THIS
IS A MATTER WHICH SHOULD BE BROUGHT TO THE ATTENTION
OF ALL ENFORCEMENT AGENCIS UNDER YOUR JURISDICTION.

U.S. TITLE 18, SECTION 951 STATES:
"WHOEVER, OTHER THAN A DIPLOMATIC OR CONSULAR
OFFICER OR ATTACHE ACTS IN THE UNITED STATES AS
AS AGENT OF A FOREIGN GOVERNMENT WITHOUT PRIOR
NOTIFICATION TO THE SECRETARY OF STATE, SHALL
BE FINED NOT MORE THAT 5,000 OF IMPRISONED
NOT MORE THAN 10 YEARS OR BOTH".

4. NOTIFICATION OF THE U.S. STATE DEPARTMENT MUST BE
CONSIDERED AS MANDATORY IN ALL CASES WHEN A CANADIAN
INVESTIGATOR PROCEEDS TO THE U.S. ON AN OFFICIAL OPER-
ATIONAL MATTER. DIRECT LIAISON WITH LOCAL AUTHORITIES
CANNOT BE CONSIDERED AS SUFFICIENT AUTHORITY TO ENTER
THE U.S.A.

5. THE ROYAL CANADIAN MOUNTED POLICE HAS A
LIAISON OFFICER STATIONED IN WASHINGTON, D.C. SHOULD
A POLICE FORCE IN CANADA WISH TO SEND PERSONNEL INTO
THE U.S.A. ON AN OFFICIAL CASE, I HAVE INSTRUCTED
ALL ROYAL CANADIAN MOUNTED POLICE OFFICERS TO CO-OPERATE
IN SEEKING AUTHORITY ON THEIR BEHALF.

6. WE, OF COURSE, RECIPROCATE WITH AMERICAN AUTHORITIES
AND THERE ARE DAILY OCCURANCED WHEN AGENTS OF AMERICAN
ENFORCEMENT BODIES CONDUCT INVESTIGATIONS IN CANADA.
AS THE NUMBER OF THESE INCREASES IT BECOMES ESSENTIAL
THAT A METHOD OF CONTROL BE ESTABLISHED TO ENSURE
THAT SUCH INVESTIGATIONS ARE IN THE BEST INTERESTS OF
CANADIAN SOCIETY. TO THIS END, I HAVE INSTRUCTED THAT THE
COMMISSIONER OF THE ROYAL CANADIAN MOUNTED POLICE RECEIVE
ALL RWQUESTS FOR U.S. ENFORCEMENT PERSONNEL TO ENTER
CANADA, AND HE HAS BEEN AUTHORIZED, ON BEHALF OF THE
GOVERNMENT OF CANADA, TO PERMIT OR REFUSE SUCH REQUESTS.

7. VISITS TO EITHER COUTRY BY POLICE OR ENFORCEMENT
PERSONNEL WHICH ARE ASSOCIATED WITH ROUTINE LIAISON FUNC-
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TIONS, EXCHANGE OF INTELLIGENCE OR ATTENDANCE AT CON-
FERENCES OR SEMINARE WILL NOT REQUIRE THE ABOVE NOTED
FORMS OF NOTIFICATION.

8. IT IS THE INTENTION OF THE FEDERAL GOVERNMENT, NOT
TO IMPEDE OR HINDER CRIMINAL INVESTIGATIONS,
BUT TO ENSURE THAT SUCH INVESTIGATION ARE IN THE
BEST INTERESTS OF CANADIAN SOCIETY. I SOLICIT

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YOUR CO-OPERATION IN THIS MATTER, AND WITH SUCH, I
FEEL THAT THIS POLICY WILL NOT ADVERSELY AFFECT THE
CALUBRE OF INVESTIGATION WE HAVE COME TO ANTICIPATE.
YOURS VERY TRULY, WARREN ALLMAND, SOLICITOR GENERAL OF
CANADA. END QUOTE.
JOHNSON

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